IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 10328 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE M.S.SHAH

AND

HONOURABLE MR.JUSTICE H.B.ANTANI

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1 Whether Reporters of Local Papers may be allowed to see the judgment?

2 To be referred to the Reporter or not?

3 Whether Their Lordships wish to see the fair copy of the judgment?

4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?

5 Whether it is to be circulated to the Civil Judge?

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MUNDRA ENTERPRIZE - Petitioner
Versus
STATE OF GUJARAT AND ANOTHER - Respondents

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Appearance :
MR MITUL K SHELAT for the Petitioner.
MS TRUSHA PATEL, ASSISTANT GOVERNMENT PLEADER for the Respondents.

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CORAM : HONOURABLE MR.JUSTICE M.S.SHAH

and

HONOURABLE MR.JUSTICE H.B.ANTANI

Date : 30/04/2007

ORAL JUDGMENT

(Per : HONOURABLE MR.JUSTICE M.S.SHAH)

In response to the Rule, Ms. Trusha Patel, learned Assistant Government Pleader, states that in compliance with the order dated 23-04-2007, the petitioner has supplied 2500 Insulated Boxes for carrying fish and the respondent-authorities have accepted the same at the rate of Rs. 2,000/- per box + Tax.

It is also stated that for the remaining 2500 Insulated Boxes, the authorities received the tenders, but the petitioner was the only party found to be eligible as per the criteria indicated in the Tender Notice dated 25-04-2007 (Annexure-P-1).

2. Mr. Mithul Shelat, learned Counsel for the petitioner, states that in response to the tender notice dated 25-04-2007 also, the petitioner is ready to supply boxes at the rate of Rs. 2000 per box + Tax, which is the same rate at which it has already supplied 2500 Boxes earlier.

3. In view of the above statements coming from the learned Counsel for the parties, we see no impediment in allowing this petition. For the reasons already recorded in our order dated 23-04-2007, we allow this petition and direct the respondents to permit the petitioner to supply the remaining 2500 Boxes for carrying fish at the rate of Rs. 2000 per box + Tax, and the respondent-authorities shall receive the said boxes and pay the petitioner the price at the above rate for all the 5000 Boxes (2500 Boxes already supplied in compliance with the order dated 23-04-2007 and the remaining 2500 Boxes to be supplied as per this judgment) within one month from the date of receiving the final supply. The petitioner shall supply remaining 2500 Boxes as per the time schedule as may be indicated by the respondent authorities.

4. Rule is made absolute. The petition is disposed of in terms of the order dated 23-04-2007 and in the above terms.

[M. S. SHAH, J.]

[H. B. ANTANI, J.]

/shamnath